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14 EDUARDO QUINTANAR, JR.

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30 BALJIT ATHWAL, DALJIT ATWAL, WALTER W. WELLS
31 and SCOTT McFARLANE

32 UNITED STATES DISTRICT COURT

33 EASTERN DISTRICT OF CALIFORNIA

34 ESTATE OF FRANK CARSON AND
35 GEORGIA DEFILIPPO, as an individual
36 and as successor in interest to FRANK
37 CARSON,

38 Plaintiffs,
39 vs.

40 COUNTY OF STANISLAUS, CITY OF
41 MODESTO, BIRGIT FLADAGER,
42 MARLISSA FERREIRA, DAVID HARRIS;

43 Case No. 1:20-CV-00747-TLN-BAM

44 **JOINT STIPULATION AND ORDER TO
45 CONTINUE AMENDED COMPLAINT
46 FILING DATE**

47 Related to:
48 1:15-cv-00311-TLN-BAM (Athwal)
49 1:20-cv-00770-TLN-BAM (Wells)

GWILLIAM IVARY CHIOSSO CAVALLI & BREWER
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1999 Harrison St., Suite 1600, Oakland, CA 94612

1 KIRK BUNCH, STEVE JACOBSON, JON 2 EVERS, CORY BROWN, and DOES 1-25, 3 inclusive, 4 Defendants. 5 GEORGIA DEFILIPPO AND CHRISTINA 6 DEFILIPPO, 7 Plaintiffs, 8 vs. 9 COUNTY OF STANISLAUS, ET AL. 10 Defendants. 11 EDUARDO QUINTANAR, JR., 12 Plaintiffs, 13 vs. 14 COUNTY OF STANISLAUS, ET AL. 15 Defendants. 16 BALJIT ATHWAL and DALJIT ATWAL, 17 Plaintiffs, 18 vs. 19 COUNTY OF STANILSAUS; CITY OF 20 TURLOCK; CITY OF MODESTO; CITY 21 OF CERES; STANISLAUS COUNTY 22 OFFICE OF THE DISTRICT ATTORNEY; 23 KIRK BUNCH; JON EVERS; TIMOTHY 24 REDD; DALE LINGERFELT; STEVE 25 JACOBSON; BIRGIT FLADAGER; 26 GALEN CARROLL; PAUL EDWARD 27 JONES 28 Defendants.	Case No. 1:18-cv-00496-TLN-BAM
	Case No. 1:18-cv-01403-TLN-BAM
	Case No. 1:15-cv-00311-TLN-BAM

1 WALTER W. WELLS and SCOTT
2 MCFARLANE

Case No. 1:20-cv-00770-TLN-BAM

3 Plaintiffs,

4 vs.

5 COUNTY OF STANISLAUS, ET AL.

6 Defendants.

7 Plaintiffs ESTATE OF FRANK CARSON; GEORGIA DEFILIPPO; CHRISTINA
8 DEFILIPPO; EDUARDO QUINTANAR, JR.; BALJIT ATHWAL; DALJIT ATHWAL;
9 KARAN INC. dba POP-N-CORK; WALTER WELLS; SCOTT MCFARLANE ("Plaintiffs");
10 and defendants COUNTY OF STANISLAUS; CITY OF MODESTO; CITY OF TURLOCK;
11 CITY OF CERES; STANISLAUS COUNTY OFFICE OF THE DISTRICT ATTORNEY;
12 BIRGIT FLADAGER; MARLISSA FERREIRA; DAVID HARRIS; KIRK BUNCH; STEVE
13 JACOBSON; CORY BROWN; JON EVERE; TIMOTHY REDD; DALE LINGERFELT;
14 GALEN CARROL; FROLIAN MARISCAL; LLOYD MCKINNON; GREG JONES;
15 KENNETH BARRINGER; GALEN CARROLL; FRANK NAVARRO; and TIMOTHY REDD
16 ("Defendants") through their respective counsel, hereby agree and stipulate as follows:

17 1. WHEREAS on September 29, 2021, the Honorable Judge Nunley dismissed
18 plaintiffs' complaints with leave to file an amended complaint within 30 days;

19 2. WHEREAS Plaintiffs' amended complaint is presently due for filing on October
20 28, 2021;

21 3. WHEREAS the Honorable Judge Nunley issued the order to dismiss with leave to
22 amend while counsel for Plaintiffs CARSON, the DEFILIPPOES and QUINTANAR were
23 engaged in a month-long trial;

24 4. WHEREAS Jayme L. Walker, the lead attorney for Plaintiffs CARSON; the
25 DEFILIPPOES; and QUINTANAR, is currently on maternity leave;

26 5. WHEREAS Plaintiffs' law firm has a conflicting filing deadline pertaining to a
27 writ of mandamus in another action;

6. All parties agree that the deadline for filing the Amended Complaint be continued to November 18, 2021;

3 7. Defendants' responsive pleading shall be filed no later than 30 days after service
4 of the plaintiffs' Amended Complaint.

5 | IT IS SO STIPULATED.

7 | DATE: October 25, 2021

GWILLIAM, IVARY, CHIOSSO, CAVALLI & BREWER

/s/ *Angelina M. Austin*

J. Gary Gwilliam
Randall E. Strauss
Jayme L. Walker
Angelina M. Austin
Attorneys for Plaintiffs
ESTATE OF FRANK CARSON , GEORGIA
DEFILIPPO, CHRISTINA DEFILIPPO AND
EDUARDO OUINTANAR, JR.

DATE: October 25, 2021

MORRISON & FOERSTER LLP

/s/ *Arturo Gonzales* *

Arturo Gonzalez
Attorney for Plaintiffs
BALJIT ATHWAL, NAVNEED ATHWAL, DALJIT
ATHWAL, KARAN INC., DBA POP-N-CORK,
WALTER WELLS AND SCOTT MCFARLANE

21 | //

DATE: October 25, 2021

**PORTER SCOTT
A PROFESSIONAL CORPORATION**

/s/ John R. Whitefleet *

John R. Whitefleet
Attorneys for Defendants
COUNTY OF STANISLAUS, STANISLAUS
COUNTY OFFICE OF THE DISTRICT
ATTORNEY, BIRGIT FLADAGER, MARLISSA
FERRIERA, DAVID HARRIS, KIRK BUNCH,

1 STEVE JACOBSON, CORY BROWN, DALE
2 LINGERFELT, FROLIAN MARISCAL, LLOYD
3 MACKINNON, GREG JONES, KENNETH
4 BARRINGER

5 DATE: October 25, 2021

ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP

7 */s/ Patrick Moriarty **

8 John B. Robinson
9 Patrick Moriarty
10 Attorneys for Defendants
CITY OF MODESTO, JON EVERE, AND GALEN
CARROLL

12 DATE: October 25, 2021

ARATA SWINGLE VAN EGMOND & HEITLINGER

14 */s/ Bradley J. Swingle **

15 Bradley J. Swingle
16 Attorneys for Defendants
17 CITY OF TURLOCK, CITY OF CERES, FRANK
NAVARRO, AND TIMOTHY REDD

19 * Parties have consented to use of their electronic signature.

21 **ORDER**

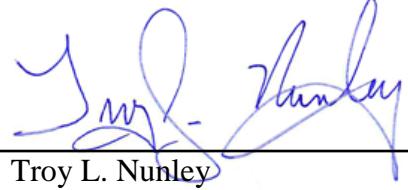
23 Pursuant to the stipulation of the parties:

24 1. The deadline for Plaintiffs to file an Amended Complaint is continued to
November 18, 2021.

25 2. The Defendants' responsive pleading shall be filed no later than 30 days after
service of the plaintiffs' Amended Complaint.

1 **IT IS SO ORDERED.**

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3 Dated: October 26, 2021
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Troy L. Nunley
United States District Judge